

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
CASE NO. 22-21854-CV-WILLIAMS

CLEAR SPRING PROPERTY AND  
CASUALTY COMPANY,

Plaintiff,

v.

ASTONBLUWAVES LLC,

Defendant.

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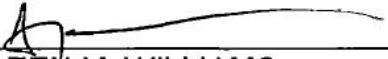
**ORDER**

**THIS MATTER** is before the Court on Magistrate Judge Eduardo I. Sanchez's Report and Recommendation (DE 97) ("**Report**") on Plaintiff's Motion for Summary Judgment (DE 74) ("**Motion**"). In the Report, Judge Sanchez recommends that the Motion be granted and that final judgment in this case be entered in favor of Plaintiff. (DE 74 at 15.) Specifically, Judge Sanchez recommends that "[b]ecause Astonbluwaves made material misrepresentations in its application for marine insurance, Clear Spring is entitled to have the Policy declared void *ab initio* pursuant to the doctrine of *uberrimae fidei*, and it accordingly has no liability to Astonbluwaves for the damages that Astonbluwaves' vessel sustained." (*Id.* at 14.) Furthermore, Judge Sanchez recommends that because the remaining pending motions in this case are rendered moot by the grant of summary judgment in Plaintiff's favor, those motions should be denied as moot. (*Id.* at 15.) No objections were filed to the Report, and the time to object has passed.

Upon a careful review of the Report, the Motion, the record, and applicable law, it is **ORDERED AND ADJUDGED** that:

1. Judge Sanchez's Report (DE 97) is **AFFIRMED AND ADOPTED**.
2. Plaintiff's Motion for Summary Judgment (DE 74) is **GRANTED**.
3. The Court will separately issue a final judgment.
4. This case is **CLOSED**. All hearings and deadlines are **CANCELED**. All pending motions are **DENIED AS MOOT**.

**DONE AND ORDERED** in Chambers in Miami, Florida, this 16th day of February, 2024.

  
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KATHLEEN M. WILLIAMS  
UNITED STATES DISTRICT JUDGE